

Vaslas Lepowsky Hauss & Danke LLP

Attorneys at Law
201 Edward Curry Avenue, Suite 100
Staten Island, New York 10314

Manhattan Office
630 Third Avenue, 5th floor
New York, NY 10017
Tel: (212) 374-9555

Telephone (718) 761-9300
Facsimile (718) 761-9090
www.vlhd-law.com

New Jersey Office
10 Auer Court
E. Brunswick, NJ 08816
Tel: (732) 613-5083

Olena Sharvan
Associate

Admitted in New York
osharvan@vlhd-law.com

July 20, 2020

Via ECF and courtesy copy via email (ALCarterNYSDChambers@nysd.uscourts.gov)

Hon. Andrew L. Carter, Jr.
United States District Judge
United States District Court
40 Foley Square
New York, New York 10007

Re: Jane Does 16, 29, et al v. Columbia University et al.
Civil No.: 20-cv-01791
Related Case Civil No.: 19-cv-02978
Request for Pre-Motion Conference

Honorable Magistrate Judge Parker:

This office represents defendant Robert Hadden, M.D. in the above-referenced matter. In accordance with the Individual Practices, we respectfully request that the Court schedule a pre-motion conference to file a motion to dismiss Plaintiffs' Complaint in its entirety against Robert Hadden, M.D. under Rule 12(b)(6) of the Federal Rules of Civil Procedure. Plaintiffs' causes of action are time-barred and/or fail to state cognizable claims. This request follows a similar request submitted by Co-Defendants on July 14, 2020 (Docket #8). We respectfully request that both pre-motion conferences be scheduled for the same date and time.

Background and Procedural History

The Complaint in issue arises from allegations that Robert Hadden, M.D. sexually abused the plaintiffs between January 1993 and August 2012, while they were under his care and treatment for gynecologic and/or obstetric care. This action was commenced on February 28, 2020. Dr. Hadden was served with a Waiver of Service of Summons dated May 26, 2020 and said Waiver was returned to Plaintiffs' counsel on June 23, 2020.

The Amended Complaint in the related case (Case No.: 19-cv-02978) is based on the same factual allegations and asserts similar causes of action. There is currently a pre-answer motion conference scheduled for August 20, 2020 in the related case based upon substantially similar arguments Dr. Hadden

Vaslas Lepowsky Hauss & Danke LLP

Honorable Magistrate Judge Katherine H. Parker
Re: Jane Does 16, 29, et al v. Columbia University et al.
July 20, 2020
Page 2

intents to make in this action (See Docket 19-cv-02978 #16, #63 (64) and #65).

Grounds for Proposed Motion

In addition to dismissal of the federal causes of action, our motion will ask the Court to exercise its supplemental jurisdiction and dismiss plaintiffs' Complaint in its entirety, including claims that are based on state law, which involve settled principles that are identical to the Federal claims. See *Lundy v. Catholic Health Sys. Of Long Is., Inc.*, 711 F.3d 1006, 117-118 (2d Cir. 2013) (citation omitted).

Plaintiffs Complaint fails to state a cause of action. Many of the causes of action are legally inapplicable to Dr. Hadden, duplicative of other causes of action and too vague or unclear. It is further submitted that due to the legal nature of the defendant's arguments any amendment of the Complaint would be futile as the majority of the claims are time-barred under the applicable statute of limitations. See, *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000); *TechReserves Inc. v. Delta Controls, Inc.*, No. 13 Civ. 752 (GBD), 2014 WL 1325914, at *39-40 (S.D.N.Y. 2014); and *Commun. Ptnrs. Worldwide v. Main St. Res.*, No. 04 Civ. 10003, 2005 WL 1765712 (S.D.N.Y. July 26, 2005).

Thank you for your attention to this matter and consideration of the foregoing.

Respectfully yours,



Olena Sharvan

Cc: All Parties VIA ECF